

REMARKS

Claims 1-55 are pending in this application. By this Amendment, claims 1, 11, 13-15, 17-24, 28, 30-32, 34-37, 39, 40, 42-45, 47, 50 and 53 are amended. No new matter is added.

The specification was objected to and claims 21-37, 40, 41, 43, 44, 47, 50, 51, 53 and 54 were rejected under 35 U.S.C. §112, first paragraph, for the specification allegedly failing to disclose "operational parameters set by a first user independent from the first user issuing a processing request." The objection is respectfully traversed.

Applicant respectfully asserts that support for this feature can be found at least in paragraph [0166]. It is respectfully requested that the object and rejection be withdrawn.

Claims 1-8, 10-15, 20, 39, 42 and 45 were rejected under 35 U.S.C. §102(e) over Simpson et al., U.S. Patent Application Publication No. 2003/0084086. The rejection is respectfully traversed.

Claim 1 calls for a printer executing print jobs in accordance with operational parameters set to the printer. Claims 39, 42 and 45 call for similar features. Consequently, it is not reasonable to assert that there is no difference between Simpson's print job and the operational parameters, as alleged in the Office Action on page 2, because the claims now clearly call for both print jobs and operational parameters.

Further, the operational parameters are set to the printer. Therefore, the operational parameters are not set to the print job, further distinguishing the pending claims over Simpson.

Claim 1 also calls for a modification control system that modifies the operational parameters in accordance with the request for modification if the monitoring system determines that the request for the modification is received after expiration of the monitoring period. Claims 39, 42 and 45 call for similar features. Because the operational parameters are clearly distinguished from a print job as discussed above, it is not reasonable to assert, as

argued on page 6 of the Office Action, that storing a second print job and applying a second set of print settings if there is not a time conflict reads on the pending claims.

Claims 2-8, 10-15 and 20 depend from, and are patentable with independent claim 1, as well as for the additional features they recite. It is respectfully requested that the rejection be withdrawn.

Claims 21-25, 27-32, 37, 40, 43, 46, 47, 49, 50, 52, 53 and 55 were rejected under 35 U.S.C. §103(a) over Simpson in view of Parry, U.S. Patent Application Publication No. 2003/0030664. The rejection is respectfully traversed.

Claim 21 calls for a printer executing print jobs in accordance with operational parameters set to the printer and calls for a modification control system that modifies the operational parameters in accordance with the request for modification if the monitoring system determines that the request for the modification is received after expiration of the monitoring period. Claims 40 and 43 call for similar features. Claims 21 and 43 are patentable for at least the reasons discussed above with respect to claim 1.

Claim 21 calls for a monitoring system that monitors whether the number of executed operations of said printer exceeds the number of times determined by said number of execution determining system. Claims 40 and 43 call for similar features. In rejecting claim 21, the Office Action impermissibly modifies the claim language to read "a monitoring system that monitors whether time required for the number of executed operations of said printer exceeds the number of times determined by said number of execution determining system," where the underlined portion was added in the Office Action. Adding "time required for" changes the meaning of the claim and is improper.

The Office Action admits that Simpson does not disclose that the monitoring system is based on a number of executed operations and also admits that Simpson fails to disclose that operational parameters are set independently from issuing a processing request by a user.

The Office Action alleges that Parry discloses these features and that it would have been obvious to combine Simpson and Parry.

Applicant respectfully asserts that the Office Action is relying on impermissible hindsight, gleaned from Applicant's specification, to combine Simpson and Parry. Such hindsight reconstruction of the claimed invention is improper. See MPEP §2145(X)(A). There are numerous ways to monitor a printer. There appears to be no logical reason why one of ordinary skill in the art would seek out Simpson and Parry in order to reconstruct independent claims 21, 40 and 43. The claimed invention would not have been obvious to try because there was not a finite number of identified, predictable potential solutions to a recognized problem or need. See MPEP §§ 2141(E) and 2143.02. Applicant asserts that, given the circumstances, knowledge gleaned only from Applicant's disclosure was used, which is impermissible hindsight.

Claims 22-25, 27-32, 37, 47, 50 and 53 depend from, and are patentable with one of independent claims 21, 40 and 43, as well as for the additional features they recite.

Claims 46, 49, 52 and 55 depend from, and are patentable with one of independent claims 1, 39, 42 and 45, as well as for the additional features they recite. Further, Parry fails to overcome the deficiencies of Simpson as discussed above with respect to claims 1, 39, 42 and 45.

It is respectfully requested that the rejection be withdrawn.

Claims 16-19 were rejected under 35 U.S.C. §103(a) over Simpson in view of Official Notice. The rejection is respectfully traversed.

Claims 16-19 depend from and are patentable with independent claim 1, as well as for the additional features they recite. Further, Official Notice fails to overcome the deficiencies of Simpson.

It is respectfully requested that the rejection be withdrawn.

Claims 33-36 were rejected under 35 U.S.C. §103(a) over Simpson in view of Parry and Official Notice. The rejection is respectfully traversed.

Claims 33-36 depend from and are patentable with independent claim 21, as well as for the additional features they recite. Further, Official Notice fails to overcome the deficiencies of Simpson and Parry.

It is respectfully requested that the rejection be withdrawn.

Claim 9 was rejected under 35 U.S.C. §103(a) over Simpson in view of Nakamura, U.S. Patent Application Publication No. 2002/0161740. The rejection is respectfully traversed.

Claim 9 depends from and is patentable with independent claim 1, as well as for the additional features it recites. Further, Nakamura fails to overcome the deficiencies of Simpson.

It is respectfully requested that the rejection be withdrawn.

Claim 26 was rejected under 35 U.S.C. §103(a) over Simpson in view of Parry and Nakamura. The rejection is respectfully traversed.

Claim 26 depends from and is patentable with independent claim 21, as well as for the additional features it recites. Further, Parry and Nakamura fail to overcome the deficiencies of Simpson.

It is respectfully requested that the rejection be withdrawn.

Claims 38, 48, 51 and 54 were rejected under 35 U.S.C. §103(a) over Simpson in view of Armstrong, U.S. Patent Application Publication No. 2004/0039779. The rejection is respectfully traversed.

Claims 38 and 48 depend from, and are patentable with independent claim 1, as well as for the additional features they recite. Further, Armstrong fails to overcome the deficiencies of Simpson.

Regarding the rejection of claims 51 and 54, Applicant assumes that these claims were rejected in view of their respective independent claims (claims 41 and 44), which were rejected in view of Simpson, Amstrong and Parry. These claims are addressed below.

It is respectfully requested that the rejection be withdrawn.

Claims 41, 44, 48, 51 and 54 were rejected under 35 U.S.C. §103(a) over Simpson in view of Amstrong and Parry. The rejection is respectfully traversed.

As discussed above, Applicant respectfully asserts that the combination of Simpson and Parry is improper. Further, Amstrong relates to an information management and collaboration system. Amstrong has no relation what so ever to the pending claims. Consequently, Applicant respectfully asserts that the combination of Simpson, Amstrong and Parry is only made through impermissible hindsight as discussed above with regard to the combination of Simpson and Parry and the rejection of claims 21, 40 and 43.

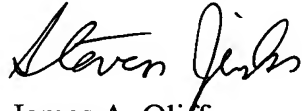
Consequently, one of ordinary skill in the art would not combine Simpson, Amstrong and Parry and the rejection is improper.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SDJ/sdj

Attachment:

Request for Continued Examination
Petition for Extension of Time

Date: December 18, 2008

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